IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

LA.App.No. 139 of 2003

LAR.360/1998 of ADDL. SUB COURT, NORTH PARAVUR
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APPELLANT/ADDL. 2ND RESPONDENT:

KOCHI INTERNATIONAL AIRPORT SOCIETY,
ANGAMALY, REPRESENTED BY ITS MANAGING DIRECTOR.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)

RESPONDENTS/CLAIMANTS AND RESPONDENT:
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1. **SOSAMMA W/O. VARGHESE,**
   KOORANTHAZATHUPARAMBIL, KEEZHPARIYARAM.
2. **KUNJUMON, S/O. DO.DO. DO.**
3. **POULOSE S/O. DO.DO.DO.**
4. **AMMINI D/O. DO.DO.DO.**
5. **MARY D/O. DO.DO.DO.**
6. **CHAKKAPPAN S/O. VARKEY,**
   ALUKKAL MAIKKAD KARA, NEDUMBASSERRY VILLAGE,
   ALUVA TALUK.
7. **POULOSE S/O. VARKEY, DO.DO. (DIED)**
8. **BABY S/O. VARKEY, DO.DO.DO.**
9. **ALEAMMA D/O. DO.DO.DO.**

10. ANNAMMA, D/O. DO.DO.DO./

11. VARGHESE S/O. DO.DO.DO.

12. MARY D/O. DO.DO.DO.

13. AMMINI D/O. DO.DO.DO.DO.

14. JOHSON S/O.DO.DO.DO. DO.

15. MARIYAMMA W/O. MATHEW, THEMALIPARAMBU, KANJHAPRA KARA DO.VILLAGE.

16. ANNAMMA W/O. POULOSE, AALUKKAL VEEDU, MAKKADA KARA, NEDUMBASSERRY VILLAGE.

17. LEGI S/O. DO.DO.DO.DO.

18. SAGI D/O. DO.DO.DO.

19. STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, ERNAKULAM

BY GOVERNMENT PLEADER

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 18/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 139 OF 2003

Dated this the 18th day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 360/1998 on the file of the Additional Sub Court, North Paravur. Acquisition is for the purpose of Kochi International Airport, Nedumbassery.

2. The reference court granted 96% enhancement over the value fixed by the Land Acquisition Officer. In L.A.A. No. 412/2001 and several other connected cases, this Court has held that the enhancement can be only upto 45% of the value fixed by the Land Acquisition Officer.

Therefore, we partly allow the appeal and modify the judgment and decree to the effect that the respondents-claimants shall be entitled only to 45% enhancement over the value fixed by the Land Acquisition Officer. Claimants shall also be entitled

to consequential statutory benefits including interest on solatium. Appellant shall deposit the balance court fee within a period of two weeks from today.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NO. 139 OF 2003

J U D G M E N T

18.10.2007